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Attorneys for the Arizona State Board
7 of Pharmacy

8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **ALANA ZINKIE,**

12 Holder of License No. 7250
As a Pharmacy Technician
13 In the State of Arizona

Board Case No. 06-0017-PHR

**CONSENT AGREEMENT
FOR REVOCATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
19 Alana Zinkie ("Respondent"), holder of Pharmacy Technician License Number 7250 in
20 the State of Arizona, and the Board enter into the following Recitals, Findings of Fact,
21 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
22 matter.

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

1 2. Respondent understands that she has a right to a public administrative hear-
2 ing concerning the above-captioned matter, at which hearing she could present evidence
3 and cross examine witnesses. By entering into this Consent Agreement, Respondent
4 knowingly and voluntarily relinquishes all right to such an administrative hearing, as well
5 as rights of rehearing, review, reconsideration, appeal, judicial review or any other
6 administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against her.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3090 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative
25 proceedings or civil litigation involving the Board and Respondent. Therefore, any
26

1 admissions made by Respondent in this Consent Agreement are not intended for any
2 other use, such as in the context of another regulatory agency's proceedings, or civil or
3 criminal proceedings, whether in the State of Arizona or in any other state or federal
4 court.

5 9. Respondent acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board's Executive Director, she may not
7 revoke her acceptance of the Consent Agreement or make any modifications to the
8 document regardless of whether the Consent Agreement has been signed by the
9 Executive Director. Any modification to this original document is ineffective and void
10 unless mutually agreed by the parties in writing.

11 10. Respondent understands that the Consent Agreement shall not become
12 effective unless and until adopted by the Board and signed by its Executive Director.

13 11. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

16 12. Respondent understands and agrees that if the Board does not adopt this
17 Consent Agreement, she will not assert as a defense that the Board's consideration of this
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

19 13. Respondent understands that this Consent Agreement is a public record that
20 may be publicly disseminated as a formal action of the Board and may be reported as
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
22 Protection Data Bank.

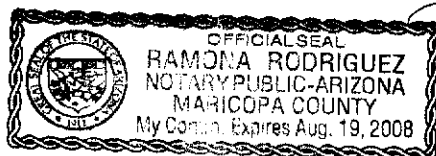
23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(C)(16), -1927.01(A)(1).
26

1 ACCEPTED AND AGREED BY RESPONDENT

2 Alana Zinkie
3 Alana Zinkie

Dated: 04/24/06

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
5 this 24TH day of APRIL, 2006, by Alana Zinkie.



7 Ramona Rodriguez
8 NOTARY PUBLIC
9 My Commission expires: Aug 19, 2008

10 **FINDINGS OF FACT**

11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

13 2. Alana Zinkie ("Respondent") is the holder of license number 7250 to
14 practice as a pharmacy technician in the State of Arizona.

15 3. Respondent was employed as a pharmacy technician by Express Scripts,
16 Inc. ("Company").

17 4. Respondent provided a random urine sample in accordance with the Com-
18 pany's Professional Drug Testing Policy.

19 5. The urine sample tested positive for the presence of marijuana metabolites.

20 6. As a result of that positive test result, the Company terminated Respond-
21 ent's employment.

22 7. On or about February 17, 2006, the Company informed the Board about the
23 incident.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter and over Respond-
3 ent pursuant to A.R.S. § 32-1901 et seq.

4 2. The Board may discipline a pharmacy technician who has engaged in
5 unprofessional conduct. A.R.S. § 32-1927.01(A)(1).

6 3. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1901.01(C)(7) ("Working under the influence of alcohol
8 or other drugs."

9 ORDER

10 Based upon the above Findings of Fact and Conclusions of Law and under the
11 authority granted to the Board, under A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C.
12 R4-23-122 (C),

13 IT IS HEREBY ORDERED THAT License No. 7250, which was issued to Alana
14 Zinkie to practice as a Pharmacy Technician in the State of Arizona, is hereby
15 REVOKED.

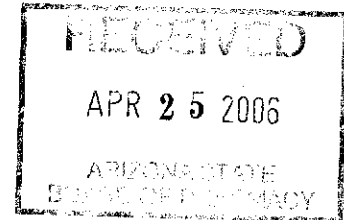
16 DATED this 24th day of MAY, 2006.

17 ARIZONA STATE BOARD OF PHARMACY

18 (Seal)

19 By: 

20 HAL WAND, R.Ph.
21 Executive Director
22
23
24
25
26



1 ORIGINAL OF THE FOREGOING FILED
this 26 day of May, 2006, with:

2 Arizona State Board of Pharmacy
3 4425 W. Olive Avenue, Suite 140
4 Glendale, Arizona 85302

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

6 this 26 day of May, 2006, to:

7 Alana Zinkie
8 5250 S. Hardy Drive, #3065
9 Tempe, Arizona 85283
10 Respondent

11 EXECUTED COPY OF THE FOREGOING MAILED
12 this _____ day of _____, 2006, to:

13 Stephen Wolf
14 Assistant Attorney General
15 1275 W. Washington Street, CIV/LES
16 Phoenix, Arizona 85007
17 Attorneys for the State of Arizona

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ARIZONA STATE BOARD OF PHARMACY

PO Box 6389, GLENDALE, ARIZONA 85312-6389
4425 WEST OLIVE AVENUE, SUITE 140, GLENDALE, ARIZONA 85302-3844
623-463-ASBP (2727) FAX 623-934-0583
www.pharmacy.state.az.us

April 14, 2006

Alana Zinke, CPht.
5250 S. Hardy Drive, #3065
Tempe, AZ 85283

Dear Ms. Zinke,

This letter and accompanying documents contain a written stipulated agreement and Board Order. The Consent Agreement contains allegations which are violations of pharmacy statutes or rules.

The Board Order is consistent with Board action on similar matters in Arizona. If you wish to forego the expense and uncertainty of a formal hearing before the Board at a Board meeting, please sign the Consent to Entry Order document, have it notarized, and return it to me at this office. The full Board will decide to accept or reject the Order at the next regularly scheduled Board meeting.

I would appreciate hearing from you as soon as possible, whether or not you decide to accept the Consent Agreement, before the 1st day of May, 2006.

Please contact me at this office to verify understanding of the documents or to clarify any issues that concern you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Hal Wand', written in a cursive style.

Hal Wand
Executive Director

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ALANA ZINKIE	
Street, Apt. No., or PO Box No.	5250 S. Hardy # 3065
City, State, ZIP+4	Tempe AZ 85283

PS Form 3800, June 2002

See Reverse for Instructions

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4-14-06

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Street, Apt. No., or PO Box No.	5250 S. Hardy Dr. 3065
City, State, ZIP+4	Tempe AZ 85283

PS Form 3800, June 2002

See Reverse for Instructions